

Nov 2 1984

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

In the Matter of)	
)	
1983 JUKEBOX ROYALTY)	Docket No. <u>84-2</u>
DISTRIBUTION PROCEEDINGS)	
)	

JUSTIFICATION OF CLAIM

In accordance with 37 C.F.R. § 305.4(a), the American Society of Composers, Authors and Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI") and SESAC, Inc. hereby file their joint justification of claim to 1983 jukebox royalties.*/

ASCAP, BMI and SESAC have made voluntary agreements for division of 1983 jukebox royalties, and are therefore submitting a joint claim for the total amount due all three organizations. We believe we are jointly entitled to 100% of the 1983 jukebox royalty fund.

ASCAP, BMI and SESAC are jointly entitled to such proportionate share of the 1983 jukebox royalty fund based on the performance of copyrighted music by means of licensed jukeboxes in 1983. In the absence of a proper survey of

*/ We note that the Copyright Royalty Tribunal has not yet determined whether a controversy exists, pursuant to 37 C.F.R. § 301.72(b). If no controversy exists, this justification is moot under 37 C.F.R. § 305.4(b).

Finally, we note that our voluntary agreements have been made on a without-prejudice basis, in part because we could not agree on a common measure of entitlement. Thus, this justification cannot be taken as an endorsement by any one claimant of any particular measure cited above, nor can it be relied upon by any claimant or the Tribunal in any other proceeding of any sort.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS

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